



PUBLIC NOTICE

Federal Communications Commission
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DA 05-2712
October 14, 2005

**COMMENT AND REPLY COMMENT DATES ESTABLISHED FOR
FURTHER NOTICE OF PROPOSED RULEMAKING IN THE MATTER OF
COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT
AND BROADBAND ACCESS AND SERVICES**

ET DOCKET NO. 04-295

Comments Due: November 14, 2005
Reply Comments Due: December 12, 2005

On September 23, 2005, the Commission released the *Further Notice of Proposed Rulemaking* in ET Docket No. 04-295 (*FNPRM*).¹ In the *FNPRM*, the Commission sought comment on various issues related to the applicability of CALEA to providers of facilities-based broadband Internet access services and providers of interconnected VoIP services. A summary of the *FNPRM* was published in the Federal Register on October 13, 2005, triggering the cycle for comments and reply comments.²

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.³

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R §§ 1.415, 1.419, interested parties may file comments on or before November 14, 2005 and reply comments on or before December 12, 2005. All filings related to this *FNPRM* should refer to ET Docket No. 04-295. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295, First Report and Order and Further Notice of Proposed Rulemaking, FCC 05-153 (rel. Sept. 23, 2005). Together with the *FNPRM*, the Commission adopted the *First Report and Order* in ET Docket No. 04-295 (*Order*). In the *Order*, the Commission established that the Communications Assistance for Law Enforcement Act (CALEA) applies to providers of facilities-based broadband Internet access services and providers of interconnected voice over Internet protocol (VoIP) services. See *id.*

² 70 Fed. Reg. 59,704 (Oct. 13, 2005).

³ 47 C.F.R. § 1.1206(b).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, SW, Washington, DC 20554, or by e-mail to janice.myles@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in ET Docket No. 04-295 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

For further information regarding this proceeding, contact Carol Simpson, Competition Policy Division, Wireline Competition Bureau, (202) 418-2391.